

# Vigindustries, Inc.

a subsidiary of:

IMC Global Inc.

2100 Sanders Road, Suite 200

Northbrook, Illinois 60062-6146

847.205.4849

847.205.4921 Fax

US EPA RECORDS CENTER REGION 5



486291

April 9, 2001

## VIA FACSIMILE AND USMAIL

Tom Turner, Esq.  
USEPA  
Office of Regional Counsel, Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

**Re: Vigindustries Inc. (formerly known as Swift Ag Chemical Company)  
2501 North Kings Highway, Fairmont City, IL – St. Clair County**

Dear Mr. Turner:

Attached, per the Agency's request, is an executed version of USEPA Region 5's standard site access agreement for the above-referenced Site. As I discussed with you by telephone on March 29, Vigindustries Inc. has a number of concerns regarding the language of this Agreement. During our call, you indicated that you would be unable to modify the terms of the Access Agreement, but that Vigindustries should document its concerns in a cover letter. You expressed the Agency's willingness to accommodate our concerns. The voluntary permission granted by Vigindustries in the attached Access Agreement assumes that the Agency consents to address the following:

1. The Access Agreement and other correspondence received from the Agency refer to this Site as the Swift Ag Chemical Company Superfund Site. Swift has not owned or operated this Site in more than ten years. Consequently, we suggest modifying the name as listed above. Second, since the Site has not been listed on the NPL or determined by the Agency to be a Superfund Site, we suggest removing the term "Superfund" from the Site reference.
2. Vigindustries consents to Site Access beginning on the date of the attached Access Agreement and terminating at the time that USEPA completes the site assessment. We anticipate that the Agency would request additional consent from Vigindustries for any further activities at the Site.
3. While Vigindustries Inc. has consented to USEPA Site access, we have also informed you that we have leased the Site to a tenant that occupies and maintains the Site. We have requested that the Agency: (i) make all efforts to avoid interfering with the tenant's operations during the Site activities; and (ii) leave the Site in a condition that will allow the tenant to continue conducting its operations.

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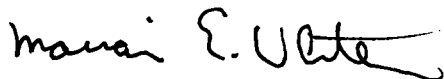
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4. We have also requested that USEPA provide Vigindustries with notice sufficiently in advance of any Site work to allow us to be present on Site to observe the work and to provide a work schedule to the tenant.
5. We have requested that USEPA provide Vigindustries with a "spilt sample" of all samples collected during the Site assessment activities and with sampling results for all Site samples analyzed by the Agency.
6. The Site Access Agreement authorizes USEPA to undertake emergency removal actions at the Site during Site characterization activities. Based upon our knowledge of the Site, we do not believe that such removal actions will be necessary or warranted. In the event that the Agency disagrees, we request that USEPA provide Vigindustries with notice of its intent to require such removal actions and allow Vigindustries to perform such removal actions as may be deemed necessary. We also ask that the Agency inform us sufficiently in advance of any removal actions to be conducted by the Agency to allow our representative to be present for those activities.
7. We understand that USEPA intends to take reasonably prudent precautions before conducting any activities on Site, including locating and taking appropriate steps to avoid all underground utilities. We also understand that USEPA assumes full responsibility for the appropriate conduct of any Site activities by the Agency or its officers, employees, agents, or representatives.

Should you have any questions about this letter or other legal matters at the Site, please direct them to my attention. All technical and logistical issues regarding performance of the Site Assessment, including scoping of that assessment and scheduling of site activities, should be directed by USEPA's on-scene coordinator to Dr. James Van Nortwick, Director of Environmental Affairs, Vigindustries Inc., (847) 739-1814.

Vigindustries looks forward to establishing a productive working relationship with USEPA that will bring a rapid and effective resolution to this matter.

Sincerely,



Marian E. Whiteman

Cc: Dr. James Van Nortwick

**CONSENT FOR ACCESS TO PROPERTY**

**Property at Vigindustries Inc. (formerly known as Swift Ag Chemical Company)  
2501 North Kings Highway, Fairmont City, IL – St. Clair County**

Name: Vigindustries Inc. (formerly known as Swift Ag Chemical Company)  
(SAC)

Address: 2501 North Kings Highway, Fairmont City IL (St. Clair County)

I consent to officers, employees, contractors, and authorized representatives of the United States Environmental Protection Agency (USEPA) entering and having continued access to the above-referenced Site property for the complete performance of the following actions at the Site:

- 1) Develop and implement a Site health and safety plan, a Site security plan, and contingency and air monitoring plans;
- 2) Conduct a site assessment. Characterize and sample the entire Site in order to define the extent of contamination;
- 3) Stabilize conditions at the Site. Properly treat, store, and/or transport hazardous sources and materials to or for proper storage and/or disposal;
- 4) Remove and properly dispose of (in accordance with USEPA's Off-Site Rule [40 CFR § 300.440]) hazardous sources and materials from all locations at the Site determined to require cleanup by USEPA sampling and characterization personnel.

I realize that these actions taken by USEPA are undertaken pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended 42 USC § 9601 et seq.

This written permission is given by me voluntarily, on behalf of myself and any and all other co-owners of this property, with knowledge of my right to refuse and without threats or promises of any kind.

April 9, 2001  
Date

Marian E. Whiteman

By: Marian E. Whiteman

Title:

Vigindustries Inc.

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AUME

